

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

INVENTIST INC,

Plaintiff,

v.

NINEBOT INC (USA), et al.,

Defendants.

Case No. C16-5688 BJR

ORDER RE SETTLEMENT  
CONFERENCE WITH UNITED  
STATES MAGISTRATE JUDGE

This matter comes before the Court on the Honorable Barbara J. Rothstein's order referring this case to the undersigned for settlement purposes. Dkt. 107.

The Court orders as follows:

**The parties are directed to appear for a Settlement Conference to be held via Zoom Conference before the United States District Court for the Western District of Washington at Tacoma. The Conference will start at 9:00 AM on Wednesday, May 25, 2022 and will conclude no later than 3:00 PM. The Court will provide the parties with instructions to access the Zoom Conference separately from this Order. The required settlement memoranda, more fully described below, are due no later than 1:30 PM on Tuesday, May 17, 2022. Counsel for each of the parties will be contacted by the Court for a short phone conference (the Magistrate Judge will place a separate call to counsel for each party, and will**

1 **have a conversation with counsel only and not with clients) to take place in the**  
2 **afternoon on Monday, May 23, 2022.**

3 Persons with ultimate settlement authority must be present on Zoom for the  
4 settlement conference or readily available by phone. Any counsel appearing without  
5 authority to negotiate, or without the ability to readily contact the person with full and  
6 ultimate settlement authority throughout the settlement conference, may be sanctioned.

7 Participation of parties at the settlement conference – in person – is likely to  
8 increase the efficiency and effectiveness of the settlement conference. **All parties shall**  
9 **participate in the Zoom Conference with counsel.** A request to be exempt from this  
10 requirement should be submitted to the Court in writing no later than noon on Tuesday,  
11 May 24, 2022. Please address any request to Miguel Mendez-Pintado, Judicial Law  
12 Clerk to Magistrate Judge Fricke, at [miguel\\_mendez-pintado@wawd.uscourts.gov](mailto:miguel_mendez-pintado@wawd.uscourts.gov). The  
13 email subject line should include your case number and “Request for non-appearance  
14 of a party.”

15 Parties not appearing in person shall be available by phone and email (including  
16 the ability to review documents and sign) for the duration of the settlement conference.

17 Other people who may increase the probability of settling the case should be  
18 present, if possible. For example, the attendance of an expert may be helpful. Counsel  
19 assisting the client on related matters may need to be involved. At the very least,  
20 contact information should be available for them at the conference.

21 The Court directs plaintiff to make a settlement demand, on or before **May 18,**  
22 **2022**, and the defendants are directed to respond to the demand on or before 5:00 PM  
23 on **May 23, 2022.**

Each party shall provide, **in confidence**, a concise settlement memorandum **no longer than ten double spaced pages and which should not include attachments or exhibits unless under extraordinary circumstances**. Please do not file these confidential memoranda with the Clerk's Office or serve the memoranda on opposing counsel. Each party's confidential memoranda shall include a brief description of:

1. any liability disputes;
2. facts you believe you can prove at trial;
3. the monetary value at issue in the case;
4. the major weaknesses in each side's case, both factual and legal;
5. the history of settlement negotiations thus far;
6. the party's settlement position;
7. the major obstacle(s) to settlement as you perceive it;
8. reference (by docket number) to any pending motions that would have a significant effect on settlement for the Court to review prior to settlement;
9. special issues that may have a material bearing upon settlement discussions;
- and
10. any person(s) (with a description of their position or role) you plan to bring to the settlement conference.

In setting forth your settlement position, please do not limit your discussion to arguments on the merits of your case. For the Court and the parties to be successful in the limited time provided for this settlement conference, you should provide the Court with a clear and candid understanding of your and your client's actual evaluation of the interests, value, and monetary aspects that your client is most concerned about in any

1 potential settlement of this case and an idea of terms under which you believe the case  
2 should settle.

3 The memorandum shall include the case number, case name, and should be  
4 emailed directly to Magistrate Judge Fricke, at: [miguel\\_mendez-](mailto:miguel_mendez-pintado@wawd.uscourts.gov)  
5 [pintado@wawd.uscourts.gov](mailto:pintado@wawd.uscourts.gov). The email subject line should read: **“Confidential –**  
6 **Inventist Inc. v. Ninebot, Inc. et al., - May 17, 2022 – [Plaintiff’s/Defendant’s]**  
7 **Settlement Position Paper.”** Do not mail hard copies of the settlement memorandum  
8 to chambers.

9 Counsel for the parties may be contacted by the Court to answer questions,  
10 clarify issues, and discuss other preliminary matters designed to ensure the conference  
11 itself is productive. Counsel may contact the Court by sending an email to Judicial Law  
12 Clerk Miguel Mendez-Pintado at: [miguel\\_mendez-pintado@wawd.uscourts.gov](mailto:miguel_mendez-pintado@wawd.uscourts.gov) if  
13 counsel would like to request an appointment with Magistrate Judge Fricke to address  
14 any matter they believe needs to be discussed in advance, including any request to use  
15 exhibits, technology-assisted presentations, or conduct lengthy opening statements.

16 It is the duty of the parties to notify the Court if trial is continued or if the case is  
17 settled or otherwise disposed of prior to the date of the scheduled settlement  
18 conference, so that the matter may be removed from the Court’s docket.

19 In the time period immediately preceding the settlement conference, if either  
20 party believes that negotiation attempts would not be fruitful at the time set for the  
21 conference for any reason, that party should contact the Court as soon as possible to  
22 discuss the concern. Counsel for the parties are strongly encouraged to engage in  
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1 preliminary discussions with an eye toward meaningfully narrowing their disputes before  
2 appearing for the Conference.

3 The Court expects that each participant will be well-prepared, open-minded, and  
4 sincerely interested in achieving settlement. To encourage open communication, the  
5 Court orders that all matters communicated in connection with this judicial settlement  
6 are confidential and not to be used for any other purpose.

7 Dated this 25th day of April, 2022.

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10 Theresa L. Fricke  
11 United States Magistrate Judge  
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